

EXHIBIT

6

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATIONWIDE LIFE INSURANCE COMPANY,
a foreign corporation,

Plaintiff,

vs.

Case No. 11-cv-12422-AC-MKM
Hon. Avern Cohn

WILLIAM KEENE, JENNIFER KEENE,
MONICA LYNNE LUPIOFF, NICOLE RENEE
LUPIOFF and NICOLE RENEE LUPIOFF,
PERSONAL REPRESENTATIVE OF THE ESTATE
OF GARY LUPIOFF, DECEASED,

Defendants.

Michael F. Schmidt P25213
Attorneys for Plaintiff
1050 Wilshire Drive, Suite 320
Troy, MI 48084
(248)649-7800

Albert L. Holtz P15088
Attorney for Monica Lupiloff, Nicole Lupiloff
and Nicole Lupiloff, Per Rep of the Estate of
Gary Lupiloff, Deceased
3910 Telegraph Road, Suite 200
Bloomfield Hills, MI 48302
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John H. Bredell P36577
Attorney for William & Jennifer Keene
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**INTERROGATORIES AND REQUESTS TO PRODUCE
BY PLAINTIFF NATIONWIDE LIFE INSURANCE COMPANY
TO DEFENDANT JENNIFER KEENE**

NOW COMES the plaintiff, Nationwide Life Insurance Company, by and through its attorneys, **HARVEY KRUSE, P.C.**, and submits the following Interrogatories/Requests to Produce to Jennifer Keene to be answered fully and under oath. Information sought shall be information obtained by you, your attorney, agents, representatives, investigators, or persons

who have information regarding this occurrence. If answers are based on information supplied to you, indicate the answer is not based on personal knowledge and provide the name and address of the person providing the information.

These Interrogatories are submitted pursuant to FRCP 33 and Requests to Produce are submitted pursuant to FRCP 34 and answering of same are governed by these Rules. The answers are demanded within thirty (30) days after service of the Interrogatories/ Requests to Produce; however, Interrogatories addressed to the existence of or identity of witnesses, including potential witnesses, such as physicians or medical institutions are deemed continuing. Supplemental answers are demanded as you, your attorney, agents, representatives or investigators become informed of the identity of the additional witnesses or potential witnesses.

1. Please state the name and address of the individual answering these interrogatories and requests to produce.

ANSWER:

2. In regard to the purpose of the Nationwide policy as indicated on the New Account/Suitability Form "to provide coverage over an investor loan for capital purchase" please state with factual precision:

- (a) Please state how the policy was to provide coverage over an investor loan for capital purchase.
- (b) Please state the following in regard to the loan:
 - (i) The name and address of the person or entity making the loan.
 - (ii) The name and address of the person or entity receiving the loan.
 - (iii) The terms of the loan including the amount of the loan, the interest charged, if any, and the date the principal was due to be repaid.
 - (iv) The purpose of the loan.

- (c) Please produce a copy of all the loan documents and any other documents regarding the transaction.

ANSWER:

3. In regard to any and all business dealings you had at any time with Gary H.

Lupiloff provide the following information:

- (a) The date of the business deal, contract or transaction.
- (b) The parties to the business deal, contract or transaction.
- (c) The purpose of the business deal, contract or transaction.
- (d) Please produce all documents in regard to the business deal, contract or transaction.

ANSWER:

4. Please state whether Gary Lupiloff ever breached any business deal, contract, or transaction with you.

ANSWER:

5. If the response to the preceding interrogatory is in the affirmative, please provide the following information:

- (a) A full description of the business deal, contract or transaction involved.
- (b) How the business deal, contract or transaction was breached.
- (c) Please produce all documentary evidence you have in regard to the business deal, contract or transaction, and its breach.

ANSWER:

6. If you paid any premiums for the Nationwide policy referred to in the complaint, please state the dates of all payments and the amount paid on each date, and please produce proof of all such payments.

ANSWER:

7. In regard to the Change of Ownership form attached as Exhibit C to the complaint, please state:

- (a) The reason why there was a change of ownership.
- (b) Please produce any documents in regard to the change of ownership.

ANSWER:

8. In regard to Change of Beneficiary form alleged in the complaint, please state:

- (a) The reason for the change of beneficiary.
- (b) Please produce any documentary evidence regarding the change of beneficiary.

ANSWER:

9. In regard to 7/13/10, please provide the following information:

- (a) Where you were from 6:00 a.m. through 6:00 p.m. providing the inclusive time at each location and the full address of each location.

- (b) The name and address of any individuals who you were with at any time from 6:00 a.m. to 6:00 p.m. providing the exact times you were with the individual.
- (c) What you were doing from 6:00 a.m. to 6:00 p.m. providing the inclusive time period for each activity.
- (d) Please produce any documentary evidence you have in support of any of your above responses to this interrogatory.

ANSWER:

10. Please list the names and addresses of any witnesses you intend to call at the time of trial in support of your case.

ANSWER:

11. State the names and addresses of any experts consulted by you, your attorney, agents, representatives or investigators regarding the claims made in your complaint.

ANSWER:

12. State the names and addresses of any experts you intend to call at the time of trial in support of your case.

ANSWER:

13. With regard to the persons listed in the answers to interrogatories 11 and 12, please state:

- (a) Their address(es).
- (b) Educational background.
- (c) The experience, education or other expertise which the person(s) has that you maintain will allow him (them) to be qualified as an expert(s) at the time of trial.
- (d) The special qualifications of the person(s), if any, that you maintain allow the person(s) to be an expert in this litigation.
- (e) The subject matter upon which said expert(s) is expected to testify.
- (f) Provide any and all written or graphic material including data, treatises, calculations, factual information, tests or photos relied upon by the expert(s) to form the opinion(s).
- (g) All factual information and data reviewed by the expert(s).
- (h) The opinion which the expert(s) is expected to render.
- (i) The grounds for each opinion(s).

ANSWER:

14. If you, your attorneys, or agents have any statements in any form from any person regarding this claim, state the name and address of the person or persons giving the statement, the name and address of the person or persons to whom the statements were made, the dates they were made, whether the statements were written, oral or by recording device and the names and addresses of persons presently having custody of such statements or copies of them.

ANSWER:

15. Please provide the following information:

- (a) Your full name;
- (b) Any other names you have ever been known by;
- (c) Your date of birth;
- (d) Your social security number;
- (e) Your present address;
- (f) Your addresses for five years preceding 2010;
- (g) Provide a detailed education of background, including any and all schools attended, dates of attendance and degrees, diplomas or certificates received;
- (h) For each employer you have had for the last ten years, provide the name and address of the employers; the inclusive dates worked, the position held, the name of the supervisor and the total income for each year of employment;
- (i) Whether you have been involved in any other litigation, and if so, provide the caption of the suit, the court the suit was filed in, the name of your attorneys, and the nature of the claim;
- (j) If you have made any claims to any insurance company at any time, please state the name of the insurer, a description of the claim, the date of the claim, and the result of the claim;
- (k) If you have been arrested or convicted of a crime, please state the date and place of the crime, the charges made, the court in which the matter was pending, the ultimate result or disposition of the action.

ANSWER:

16. List any and all businesses, corporations, partnerships, LLC's, PC's, sole proprietorships, or other such organizations that you have had any interest in for the past 10 years.

ANSWER:

17. Please provide the following information:

- (a) list any and all investments from 1998 through 2010.
- (b) list any accounts, investments, etc. that were closed or placed into collection from 1998 through 2010.
- (c) identify any realtors used from 1998 through 2010.
- (d) identify any accountants used from 1998 through 2010.
- (e) provide all monthly statements or other such documents for all financial accounts, including, but not limited to, savings accounts, checking accounts, money market accounts, 401(k) accounts, IRAs, stocks, investment accounts, etc. for 1998 through 2010.
- (f) provide copies of all debt documents including, but not limited to, personal loans, land contracts, promissory notes, mortgages, bank loans, business loans credit cards, credit accounts, lines of credit, etc. for 1998 through 2010.
- (g) provide all federal, state, and local tax records for 1998 through 2010.

ANSWER:

18. For any businesses, corporations, partnerships, LLC's, PC's, sole proprietorships or other such organizations that you purchased, sold, opened, or closed in whole or in part from 1998 to present, provide the follow information:

- (a) list the name of the businesses, corporations, partnerships, LLC's, PC's, sole proprietorships or other such organizations;
- (b) list the party who you purchased the businesses, corporations, partnerships, LLC's, PC's, sole proprietorships or other such organizations from or sold the businesses, corporations, partnerships, LLC's, PC's, sole proprietorships or other such organizations to;
- (c) list the date of the purchase or sale;
- (d) list the amount, cost, etc. of the purchase or sale;

- (e) list any bank, mortgage company, or financial institution that had any part in the purchase or sale;
- (f) provide any and all records, agreements, contracts, closing statements, etc. regarding the purchase or sale.

ANSWER

19. Please provide the following information:

- (a) list any person, business, organization, bank, mortgage company, etc. that you owed money or any other form of debt from 1998 to 2010;
- (b) list whether that debt was current in 2010;
- (c) list whether any payments were missed on that debt from 1998 to 2010.

ANSWER:

20. Please provide the following information:

- (a) Any and all cell phone numbers and cell phone providers you used for any cell phones you used in July, 2010.
- (b) List any and all home phone numbers and home phone providers you had in July, 2010.
- (c) Please provide copies of all phone bills with call lists for July, 2010 for any and all cell phones or home phones.

ANSWER:

21. For any business in which you have had an interest in the last 10 years, including all businesses listed in answer to the above interrogatories, provide the following information:

- (a) list which have declared bankruptcy;
- (b) list the date of any such bankruptcy;
- (c) list the location of the bankruptcy filing including the Court or Courts where the filings were made;
- (d) list any case numbers or any other such identification information for the bankruptcy;

(e) list the results of the bankruptcy.

ANSWER:

Respectfully Submitted,
HARVEY KRUSE, P.C.

BY: 

Michael F. Schmidt P25213
1050 Wilshire Dr., Ste. 320
Troy, MI 48084
(248)649-7800

DATED: July 21, 2011

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses as disclosed on the pleadings 21st of July, 20 11

By: ☒ U.S. Mail

☐ Hand Delivered

☐ Federal Express

☐ Fax

☐ UPS

☐ Other

Signature: 